

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT**

SHAUN ALLEN,

Plaintiff,

v.

HOFFMAN FORD INC.,

Defendant.

3:13-CV-01513 (CSH)

**ORDER ON DEFENDANT'S MOTION TO REMOVE DEFAULT,
AND FOR FUTURE SCHEDULING**

HAIGHT, Senior District Judge:

Plaintiff Shaun Allen, appearing *pro se* and *in forma pauperis*, brings this action purportedly under federal employment and civil rights laws against his former employer, Defendant Hoffman Ford, Inc.

Plaintiff moved under Fed. R. Civ. P. Rule 55(a) for entry of Defendant's default. [Doc. 16]. The Clerk granted that motion and entered Defendant's default. [Doc. 17]. Plaintiff then moved under Rule 55(b) for the entry of a default judgment. [Doc. 18]. That motion was filed on May 7, 2014. On that day and the day after, counsel appeared for Defendant [Doc. 20] and filed an "emergency motion" [Doc. 19] to "remove the default entered against it in this case." Defendant's motion papers contest the sufficiency of service upon Defendant of the Plaintiff's amended complaint. Defendant states through counsel that it "was not notified of this case until it received the motion for default judgment, dated May 5, 2014." [Doc. 19] at 2. Counsel state, *inter alia*, that "[t]o the extent necessary, Hoffman will respond to [P]laintiff's motion for default judgment by way of an opposition." *Id.*

If Plaintiff had not yet moved for a default judgment under Rule 55(b), Defendant's motion to remove the Clerk's entry of default would lie under Rule 55(c): "The court may set aside an entry of default for good cause, and it may set aside a default judgment under Rule 60(b)." However, Plaintiff's Rule 55(b) motion for a default judgment preceded (if only barely) Defendant's Rule 55(c) motion to set aside the Rule 55(a) default. In these circumstances, Defendant's arguments with respect to setting aside the Rule 55(a) default will be subsumed by the opposition counsel for Defendant intend to file with respect to the Rule 55(b) default judgment. The issues presented by the two pending motions ([Doc. 18] and [Doc. 19]) will be considered and resolved together.

In these circumstances, Defendant is directed to file its opposition to Plaintiff's motion for a default judgment [Doc. 18] not later than Friday, June 6, 2014. Plaintiff may file reply papers not later than Wednesday, June 18, 2014. If the Court desires oral argument, the parties will be advised.

Decision on Defendant's motion to remove the default [Doc. 19] is RESERVED, pending resolution of Plaintiff's motion for a default judgment [Doc. 18].

It is SO ORDERED.

Dated: New Haven, Connecticut
May 16, 2014

/s/Charles S. Haight, Jr.
Charles S. Haight, Jr.
Senior United States District Judge